



Washington State Executive Ethics Board

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Executive Ethics Board News

Lisa Marsh, Chair
Anna Dudek Ross, Vice Chair
Matthew Williams III, Member
Samantha Simmons, Member

January 10, 2014

The Executive Ethics Board (Board) met on Friday, January 10, 2014 for their regular business meeting. Chair Marsh did not attend; all other Board members were present. Others attending included: Melanie de Leon, Executive Director, David Killeen, Investigator, Bruce Turcott, Board Counsel, Chand Standifer, Board Prosecutor and Ruthann Bryant Board Secretary. Administrative Law Judge Alice Haenle and members of the public also attended.

Enforcement

In lieu of an enforcement hearing, the Board accepted stipulations from:

- **Deanna Cleman**, a former employee of the Military Department for using state resources for personal gain. Evidence indicated that Ms. Cleman downloaded and played games on her state computer. Due to a significant health issue during the time of her violation, the Board waived her \$500 civil penalty.
- **William Gardiner**, a former Washington State Patrol Lieutenant, for using state resources for personal gain, conducting activities incompatible with his public duties, having a financial interest in a transaction with the state and using his position to secure a special privilege. Evidence indicated that Mr. Gardiner used his position to have two personal parking citations dismissed, that he claimed working overtime hours when he was not even at the work cite and awarded himself a majority of available overtime instead of using a rotational list. The Board levied a civil penalty of \$60,000.
- **William "Wayne" Caldwell**, former Executive Dean of Instruction, Bates Technical College, for conducting activities incompatible with public duties and providing his spouse a special privilege. Records indicated that Mr. Caldwell hired his wife to teach classes at Bates and, in turn, his wife hired him to teach classes at Pierce College. The Board levied a civil penalty of \$1,750.
- **Candace Krall**, an employee of the Employment Security Department, for using state resources for her personal benefit. Evidence indicated that Ms. Krall used her state computer and email system to correspond with a contractor regarding home repairs and her private insurance agent. Ms. Krall admitted that she was having a house built and she was corresponding with her builder and developer while at work on the state's system. The Board fined her \$2,500, suspending \$1,250.
- **Shannon Dickson**, a former Spill Responder for the Department of Ecology, for using state resources for personal gain. During her employment with the state, Ms. Dickson began taking classes to become a massage therapist. Ms. Dickson used state resources to conduct 33 massages at work to fulfill class requirements as well as the state's email system to schedule these massages with her co-workers. The Board levied a civil penalty of \$1,950.

Meeting agendas can be found at www.ethics.wa.gov under "Meetings."

The next meeting of the Executive Ethics Board is scheduled for March 14, 2014.

- **Pam Caldwell**, Former Fire Command & Administration Program Director at Pierce College, for conducting activities incompatible with public duties and providing her spouse a special privilege. Evidence indicated that Ms. Caldwell hired her husband to teach classes at Pierce College and she was hired by her husband to teach classes at Bates Technical College. The Board fined her \$1,750.
- **Dale Kramer**, a Terminal Supervisor for the Washington State Ferries, for using state resources to conduct internal union business. The Board issued a Letter of Instruction in lieu of a monetary penalty.
- **Renee Myers**, a Relief Terminal Supervisor for the Washington State Ferries, for using state resources to conduct internal union business. The Board issued a Letter of Instruction in lieu of a monetary penalty.
- **Steve Rodgers**, Director of Operations for the Washington State Ferries, for allowing the use of state resources to conduct union business. The Board issued a Letter of Instruction in lieu of a monetary penalty.
- **Thomas Kuehn**, Former School Facilities and Organization Administrator, Office of the Superintendent of Public Instruction, for using state resources to conduct and promote his outside business. Records indicated that Mr. Kuehn sent/received over 300 emails promoting his invention of a device called, "School Safe." The Board levied a \$2,750 civil penalty.
- The Board found Reasonable Cause in two cases: 2013-024 (Chaney) and 2013-041 (Thomas).
- The Board upheld five Executive Director's Dismissals: 2013-015 (Singh), 2013-026 (Prince), 2013-030 (Smith), 2013-034 (French) and 2013-038 (Moore).

Board Action:

- A. The Board reviewed and approved two policies for the Attorney General's Office regarding the Use of State Resources and Social Networking. The Board also reviewed and approved three policies for Walla Walla Community College regarding: Ethics, Nepotism and the Board of Trustees Code of Ethics.
- B. The Board discussed and agreed on procedures regarding the conduct of their administrative hearings. The Board has placed time limits on opening statements (15 minutes per side) and closing arguments (30 minutes per side). The Board has requested that the ALJ hold a final status conference prior to the actual hearing and that both parties will:
 1. Stipulate to as many facts as possible;
 2. Agree on as many exhibits as possible;
 3. Stipulate as to the issues the Board needs to adjudicate; and
 4. Provide a more detailed synopsis of the testimony of each proposed witness.

ALJ Haenle will implement these protocols immediately.
- C. The Board reviewed the proposed revision of WAC 292-110-010, Use of Resources, that the subcommittee presented, agreed with the revised language and instructed Board staff to begin the rulemaking process.

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